LEGISLATURE WRAPS UP 2010 SESSION

Now the Elections Begin

The General Assembly finished its work for 2010 on April 29. The final week of the session coincided with “qualifying,” that is, the time candidates sign up to run for office. A larger than usual number of legislators will not seek re-election in 2010. Some are running for other offices and some are going back to private life.

There are ten candidates for the Office of Insurance Commissioner, nine Republicans and one Democrat. The list of Republicans includes three legislators: Senator Ralph Hudgens, Chairman of the Insurance and Labor Committee; Senator Seth Harp, Chairman of the Higher Education Committee; and Representative Tom Knox, former Chairman of the Insurance Committee.

For a complete list of candidates for Insurance Commissioner, go here and look under Statewide Officers. This same link will allow you to look at candidates for all statewide, congressional, and legislative elections.

As everyone knows, Insurance Commissioner John Oxendine is leaving that post to run for Governor. The Republican primary also includes former State Senator Eric Johnson; former Congressman Nathan Deal; and former Secretary of State Karen Handel. There are seven Republican candidates in all.

The Democratic primary also has seven candidates, including former Governor Roy Barnes and Attorney General Thurbert Baker.

Incumbent Lieutenant Governor Casey Cagle is unopposed in the Republican primary for that office. There are two candidates in the Democratic primary for Lieutenant Governor.

The budget, transportation, and property tax reform were the headline items in the 2010 session. The insurance legislation usually does not make headlines in your local newspaper or on the television news. That is why we have The Capitol Report.

Here are updates on the bills we have reported on during the session.

H. B. 417 (Rep. Neal, LaFayette) provides that, in the event of a dispute or complaint arising involving material published in a language other than English, the English version of the material shall control the resolution of the dispute or complaint. Passed.
**H. B. 656 (Rep. Barnard, Glennville)** allows certain religious organizations to form self-insurance plans for vehicles owned by church members. The bill is the result of a long effort by the Mennonite community. *Passed.*

**H. B. 1101 (Rep. Coan, Lawrenceville)** is the annual housekeeping bill from the State Board of Workers’ Compensation. The bill provides for publication of Board decisions and makes revisions to the law governing the Self-insurers Guaranty Trust Fund. *Passed.*

**H. B. 1184 (Rep. Ramsey, Peachtree City)** would allow the sale of individual health insurance policies “across state lines,” i.e. Georgians could purchase policies which have been approved in other states. *Did not pass.*

**H. B. 1410 (Rep. Weldon, Ringgold)** would amend the law on the statute of limitations, changing the rules affecting the tolling of the statute of limitations while criminal prosecutions are pending. *Did not pass.*

**H. B. 1364 (Rep. Rogers, Gainesville)** amends the law governing the Georgia Insurers Insolvency Pool and extends coverage to insureds even if they have a net worth greater than $25,000,000, for claims resulting from the “emergency” declared by the bill. The bill, introduced in response to the SEUS insolvency, would also extend coverage to insureds that had policies pre-dating the company’s joining the Insolvency Pool in 2006, when it converted from a captive to a traditional insurer. *Passed.* (Capitol Report Number 9 reported on the changes made to the bill in the Senate. The version which ultimately passed was very similar to the House bill as originally introduced.)

**H. B 1464 (Rep. Knox, Cumming)** addresses the perennial issue of certificates of insurance. The bill states that a certificate is merely documentation of coverage and cannot alter coverage. The bill would also require any certificate form other than ISO and ACORD to be filed with and approved by the Insurance Department. This bill was introduced too late to pass in 2010, but it is a good starting point for discussion on this important issue.

**H. R. 178 (Rep. Levitas, Atlanta)** proposes a constitutional amendment on contracts “in partial restraint of trade,” that is, employment contracts, sales agreements, and other contracts which contain non-compete provisions and similar restrictions. Last year the Legislature passed **H. B. 173** on this same subject. The enabling Constitutional amendment is now required. *Passed.*

**S. B. 317 (Sen. Judson Hill, Marietta)** would provide that no law or rule or regulation shall compel any person, employer, or health care provider to participate in any health care system. This is the Georgia version of an effort in many states to block Obamacare. S. B. 317 itself did not pass, but **S. B. 411** was amended to include the provisions of S. B. 317 and *passed.*
S. B. 360 (Sen. Murphy, Cumming) and H. B. 23 (Rep. Ramsey, Peachtree City) prohibit texting while driving. Passed.